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Dalton, Olmsted & Fuglevand, Inc. *Environmental Cleanup Office
Environmental Consultants*

10827 NE 68th Street, Suite B • Kirkland, Washington 98033-4000
Telephone (425) 827-4588 (FAX 425 739-9885)

MEMORANDUM

TO: Peter Contreras, EPA
FROM: Paul Fuglevand
DATE: April 2, 2003
RE: Access Agreement for Way Conn property
Head of Hylebos Waterway

Attached is a signed copy of the access agreement for the Way Conn Property, the former J&G site.

USEPA SF



1314805

WAY CONN PROPERTIES, INC.

*P.O. Box 9203
Sylmar, CA 91392*

March 13, 2003

Head of Hylebos Cleanup Group
Fred Wolf
ATOFINA Chemicals
2901 Taylor Way
Tacoma, WA 98421-4330

✓ Head of Hylebos Cleanup Group
Mat Cusma
General Metals of Tacoma
P.O. Box 10047
Portland, OR 97210

RE: Site Access for Head of Hylebos Remediation Project
Way Conn Properties, Inc.
1690 Marine View Drive, Tacoma, WA 98422

Gentlemen:

Way Conn Properties has been contacted on behalf of your group regarding access to our property during the proposed intertidal remediation project. We understand that the area scheduled for remediation is the intertidal area shown on the attached figure, which was provided by the Head of Hylebos Cleanup Group's (HHCG) consultant (Paul Fuglevand of Dalton, Olmsted & Fuglevand, Inc.).

When Way Conn purchased the property in 1996, it executed an agreement with the United States Environmental Protection Agency ("EPA") titled "Agreement and Covenant Not to Sue Re Jones-Goodell Property Sediment Contamination Located Within the Commencement Bay Nearshore/Tideflats Superfund Site" ("Agreement"). The Agreement stated, in part, that settling respondent "agrees to cooperate fully with EPA in the implementation of response actions at the CB N/T Site and further agrees not to interfere with such response actions. EPA agrees, consistent with its responsibilities under applicable law, to use reasonable efforts to minimize any interference with the Settling Respondent's operations by such entry and response." (See Agreement paragraph 32.) You have advised Way Conn that the HHCG is performing the "response actions" under EPA oversight.

This letter confirms that Way Conn will comply with the site access requirements and will work with the HHCG to coordinate necessary access for remedial design and remediation work. The HHCG, in turn, agrees to coordinate with Way Conn to reduce, when reasonably practicable, business disruptions associated with this work. Please provide me with a proposed work schedule and keep me informed of any changes to the schedule as the project continues. Our contact person on site will be Dan Hyland, 1690 Marine View Drive, Tacoma, WA 98422; Phone: 253-572-0571; email: dan@hylandmarine.com.

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Head of Hylebos Cleanup Group

I look forward to working with you in coordinating access to the property during this important work. Please acknowledge receipt and acceptance of the terms in this letter by signing below and returning a copy to me.

If you have any questions, please call me.

Yours truly,



Kenneth E. Ruggles
Chief Financial Officer

Accepted on behalf of HHCG:

ATOFINA Chemicals, Inc.

By: 

Date: 02 April 03

General Metals of Tacoma

By: 

Date: 02 APR 03

